

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

STATE OF TEXAS, et al.,

Plaintiffs,

V.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Defendants,

BAYOU CITY WATERKEEPER,

Intervenor-Defendant.

§ § § § § § § § § § § §

No. 3:23-cv-17 (consolidated
with No. 3:23-cv-20)

NOTICE OF FINAL RULE

Pursuant to this Court’s July 10 Order, Dkt. No. 81, Federal Defendants (“the Agencies”) hereby notify the Court and the Parties that the “Revised Definition of ‘Waters of the United States’; Conforming” Rule was published in the Federal Register today. 88 Fed. Reg. 61964, <https://www.federalregister.gov/documents/2023/09/08/2023-18929/revised-definition-of-waters-of-the-united-states-conforming>.

The Agencies will confer with the Parties to submit a proposal or proposals for further proceedings within 21 days.

Respectfully submitted,

TODD KIM
Assistant Attorney General
ENVIRONMENT AND NATURAL
RESOURCES DIVISION

Of Counsel:

Karyn I. Wendelowski
Elise O'Dea
Environmental Protection Agency

Daniel Inkelas
Erica Zilioli
U.S. Army Corps of Engineers

/s/ Sonya J. Shea (filed with permission of
Andrew J. Doyle)

ANDREW J. DOYLE, FL Bar No. 84948;
S.D. Tex. Bar No. 1143161

Attorney-in-Charge

SONYA J. SHEA, CA Bar No. 305917;
S.D. Tex. Bar. No. 3835754
SARAH IZFAR, DC Bar No. 1017796;
S.D. Tex. Bar. No. 3528936
HUBERT T. LEE, NY Bar No. 4992145;
S.D. Tex. Bar No. 3835753
ELLIOT HIGGINS, NY Bar No. 5737903;
S.D. Tex. Bar No. 3696295
United States Department of Justice
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
Tel: (415) 744-6469 (Doyle)
Tel: (303) 844-7231 (Shea)
Tel: (202) 305-0490 (Izfar)
Tel: (202) 514-1806 (Lee)
Tel: (202) 514-3144 (Higgins)
Fax: (202) 514-8865
andrew.doyle@usdoj.gov
sonya.shea@usdoj.gov
sarah.izfar@usdoj.gov
hubert.lee@usdoj.gov
elliott.higgins@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2023, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Sonya J. Shea